



IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

UNITED STATES OF AMERICA

v.

RICHARD BALLARD

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CRIMINAL NO. 9:08-CR-34-TH

**ORDER ADOPTING UNITED STATES
MAGISTRATE JUDGE'S REPORT**

On this day, the Court considered the Findings of Fact and Recommendations of United States Magistrate Judge Earl S. Hines regarding Defendant's plea of guilty to Count 1 of the Indictment in the above-captioned case [Clerk's Docket No. 37]. Having conducted a proceeding the form and manner prescribed by Fed. R. Crim. P. 11, the Magistrate Judge recommends that the defendant be adjudged guilty of the offense to which he has pleaded guilty.

Mr. Ballard has filed one objection to the Magistrate Judge's Report, which is that it does not reflect the conditional nature of his guilty plea. The government has not responded to the objection, but the record reflects the government's agreement as to Mr. Ballard's conditional plea. Therefore, Mr. Ballard reserves the right to appeal this Court's denial of his motion to suppress [Clerk's Docket No. 26], and the record will so reflect.

The Court is of the opinion that the Findings of Fact and Recommendation of the Magistrate Judge should be accepted, with the modification noted above.

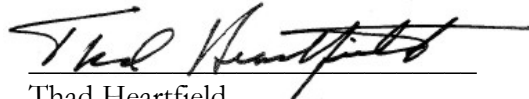
IT IS THEREFORE ORDERED that the Findings of Fact and Recommendation of the United States Magistrate Judge are **ADOPTED AS MODIFIED HEREIN**.

IT IS FURTHER ORDERED that the Court finds Mr. Ballard **GUILTY** on Count 1 of the

Indictment in the above-captioned case.

SO ORDERED.

SIGNED this the **17** day of **February, 2009**.



Thad Heartfield
United States District Judge